

Kristin Alexander

From: Greg Niemyski
Sent: Monday, February 19, 2007 6:13 PM
To: Kristin Alexander
Subject: Re: Review of VW Application 820 Main.doc

Hi Kristin,

Please ask Mr. Maxson if he intentionally omitted the fact that Verizon owns space on one of the Post Office Square tower that it has not yet utilized and why couldn't this be utilized to cover the Main St gap he mentions in his last paragraph.

Other than that, I think it covers everything.

Greg

----- Original Message -----

From: Kristin Alexander
To: Planning Board
Sent: Friday, February 16, 2007 12:04 PM
Subject: Review of VW Application 820 Main.doc

Hi Planning Board:

Attached is a draft report from the Town's consultant, Dave Maxson of Broadcast Signal Lab, on the Verizon Wireless Communication Facility application for 820 Main Street.

Please review the draft report and send any comments or questions directly back to me by this Tuesday, 2/20/07. Please do not "reply to all" – to avoid any appearance of Planning Board discussion outside the hearing.

Tuesday morning I will compile all comments and questions (from staff too) and send them to Dave Maxson to be incorporated into his final report. We're hoping to receive a final report from Dave Maxson soon after (so there is time for the Board, staff, and an interested abutter to read it before the hearing on 2/27/07).

Sorry for the short review time. Thank you for your cooperation. Have a great weekend!

Kristin

2/23/2007

Kristin Alexander

From: Bruce Reichlen [breichlen@makemwireless.com]
Sent: Tuesday, February 20, 2007 9:53 AM
To: Kristin Alexander
Cc: 'Bruce Reichlen'
Subject: RE: Review of VW Application 820 Main.doc

Kristen,

David's report is excellent. He does not draw a final conclusion in the report, but instead crystallizes the issue to the points that the planning board needs to focus on, which in this case is appropriate.

I appreciate that David focused on their two comments, the ability to work around the easement problem with a wireless link, and the overstressed tower. I also appreciate that he crystallized the issues so well.

I think this is an excellent report and actually have no detailed comments.

I would like to see the planning board delay a decision on this matter until the following two issues can be investigated: (I would hope the board can do this when new information is uncovered in the course of an approval process) (These are my opinion)

1. Is the Crown tower overstressed? If it is, the board needs to approve the new tower and require it to support multiple carriers. At this time I believe the board has an obligation to investigate the "on the record" statements of Verizon that tower is overstressed. Maybe this can be done by requesting an engineering report from Crown. This may also reveal that the tower will support a wireless link, working around the easement problem. It seems like a critical piece to any final decision.
2. Although Verizon was asked to look into the possibility of a wireless link before the last meeting, they did not even acknowledge receipt of the request, so had no response prepared. I would think this provides the board grounds for a continuance, especially when this is questioned by David as well, and multiple possible solutions to solving the core reason for this application have been raised (the core reason being the easement difficulty).

All that said, I have no authority on this matter as I've removed myself as an abutter.

I do understand that my comments are as a citizen, not a board member, so they should be treated as such.

Regards,

Bruce Reichlen
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Phone: 978 635-9009
Fax: 978 268-5013

From: Kristin Alexander [mailto:kalexander@acton-ma.gov]
Sent: Friday, February 16, 2007 12:05 PM
To: Planning Board
Subject: Review of VW Application 820 Main.doc
Importance: High

Hi Planning Board:

Attached is a draft report from the Town's consultant, Dave Maxson of Broadcast Signal Lab, on the Verizon Wireless Communication Facility application for 820 Main Street.

2/23/2007

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Sorry for the short review time. Thank you for your cooperation. Have a great weekend!

Kristin

2/23/2007

Kristin Alexander

From: Bruce Reichlen [breichlen@makemwireless.com]
Sent: Tuesday, February 20, 2007 1:59 PM
To: Planning Board
Subject: Verizon Cell Tower

Planning Board,

To start, I am writing this letter as a private citizen in Acton, not as a planning board member, as I have removed myself from the planning board regarding this issue.

I met with the McKays today regarding the cell tower in North Acton. It was an interesting meeting. Here are the highlights that I understood walking away from the meeting:

1. The McKay's original contracts for the construction and operation of that cell tower were with Bell Atlantic. Within the past year (time frame a bit nebulous) the contracts were transferred to Crown, without the McKay's receiving written notification in advance or after. When Crown approached the McKays about the bandwidth is when the McKays learned of the transfer.
2. The McKays contract is of an unusual nature, which they insist on maintaining. Each cell carrier on that tower has a separate lease with the McKays for the space and buildings they need on the ground to support their service. Crown holds the lease for the tower itself. Each carrier must negotiate their lease for space on the ground separately (the McKays wanted it this way so they could control expansion and also if someone leaves, demolition).
3. The easement that was presented to the McKays (according to their (McKay's) lawyers) would have changed the above, giving Crown the ability to expand without approval of the McKays, including building a second tower (again, according to the McKay's lawyer), and/or more buildings. The easement being sought is not a standard utility easement.
4. Bell Atlantic has a right of way for the utilities crossing the property, not an easement. The power company has an easement. The McKays do NOT object to a standard utilizes easement, only to the blanket easement being sought. They say they agreed to a utilities easement years ago, but have not received one. They say there is a letter acknowledging that, which they believe Verizon should have supplied us with.
5. The McKays have not been provided with a design of what Crown wishes to do when they get the easement. It seems apparent that the McKay's do not trust Crown or Verizon, and do not wish to sign any blanket easements, even if it means the tower is leaving.
6. The utilities to the property are in conduit, one for power, and one for communications. Crown was on site today measuring the utility conduit and scoping it out. Mr. McKay says there is space within existing communications conduit for more fiber, and says that's exactly what Crown was out there checking. He says Crown is now looking into stringing more bandwidth (fiber) through that conduit, and has agree they will present a utilities easement to them. They showed me their sign in list, which showed two people signing in today to "scope conduit".

Summary: The McKays think that Verizon and Crown are "Rats". They say they have never disagreed with more fiber, only with the broad (and in their opinions overreaching) easement being sought. They will not sign a broad easement, even if the tower is going to move. They believe the town of Acton has been dragged into a business issue by Verizon, and that the town should push back on being used this way. They also believe that building this new tower is actually not supported by the telecommunications act because of the proximity to three other towers (one in Westford, one in Carlisle). Lastly, they ask that if the planning board approves the new tower, that the town require a \$1 Million bond to dismantle the existing tower and restore the property.

My opinion. The McKays clearly do not trust Verizon or Crown, which they see as one anyway. They seem to have good reason for not trusting them. I believe they are honest, that they would rather see the tower leave than sign any easements beyond a straight forward utility easement. I find myself agreeing with them that Verizon has other motives here than they have represented for putting up this new tower, motives of money, not liking that each carrier has separate contracts with the McKays.

My request to the planning board

I request the planning board defer this application until Verizon can show that they have forwarded a standard utility easement with an specific design attached, to the McKays, and that the McKays have either refused to sign the easement, or have not responded within some reasonable time frame, or are asking for an unreasonable sum for the easement. By Verizon's own admission, they have not supplied a design or scope of work to the McKays along with

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the easement (this was stated by the Verizon lawyer in the last meeting). I do not believe Verizon has justified this cell tower on coverage requirements, and is therefore not justified in referencing the FCC communications act regarding coverage requirements.

Bruce Reichlen
Phone: 978 635-9009

2/23/2007